

**ELECTION DAY VOTER REGISTRATION**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Neil A. Hansen**

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**LONG TITLE****General Description:**

This bill modifies the Election Code to permit election day voter registration.

**Highlighted Provisions:**

This bill:

- ▶ modifies the Election Code to permit individuals to register to vote at their voting precinct's polling place on the date of the election;
- ▶ modifies the Election Code to permit voters to change their party affiliation at their voting precinct's polling place on the date of the election, with the exception of municipal primary elections;
- ▶ requires county clerks to provide election day registration information to any individual that seeks to register in person at the county clerk's office within the seven-day period before an election;
- ▶ requires county clerks to provide election day registration information to any individual that submits untimely or incomplete voter registration forms by mail, with driver's license forms, or through voter registration agencies, and requires the clerk to notify the individual that the individual is not registered; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



## Utah Code Sections Affected:

## AMENDS:

20A-2-107, as last amended by Chapter 328, Laws of Utah 2000

20A-2-201, as last amended by Chapter 45, Laws of Utah 1999

20A-2-202, as last amended by Chapter 117, Laws of Utah 2003

20A-2-204, as last amended by Chapters 10, 24 and 183, Laws of Utah 1997

20A-2-205, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

20A-2-304, as enacted by Chapter 311, Laws of Utah 1994

20A-3-104, as last amended by Chapter 37, Laws of Utah 2003

20A-3-104.5, as last amended by Chapter 159, Laws of Utah 2003

20A-9-808, as last amended by Chapter 117, Laws of Utah 2003

## ENACTS:

20A-2-201.5, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section 20A-2-107 is amended to read:

**20A-2-107. Designating or changing party affiliation.**

(1) For each person who registers to vote on or after May 1, 2000, the county clerk shall:

(a) record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or

(b) if no political party affiliation is designated by the voter on the voter registration form, record the voter's party affiliation as "unaffiliated."

(2) ~~[(a)]~~ Any registered voter may designate or change the voter's political party affiliation by ~~[complying with the procedures and requirements of this Subsection (2). (b)]~~  
~~Except~~];

(a) except for the 20 days immediately before a regular primary election, [any registered voter may designate or change the voter's political party affiliation by] filing a signed form with the county clerk that identifies the registered political party with which the voter chooses to affiliate[-]; or

(b) filing a signed form with the election judge at the polling place for the voter's

voting precinct on the date of a regular general election, municipal general election, municipal primary election, bond election, or special election.

Section 2. Section **20A-2-201** is amended to read:

**20A-2-201. Registering to vote at office of county clerk.**

(1) Except as provided in Subsection (2), the county clerk shall register to vote all persons who present themselves for registration at the county clerk's office during designated office hours if those persons, on voting day, will be legally qualified ~~[and entitled]~~ to vote in a voting precinct in the county.

(2) During the seven calendar days immediately before any scheduled election, the county clerk shall provide all persons who present themselves for registration with:

~~[(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and]~~

~~[(b) inform them that they will be registered to vote but may not vote in the pending election because they registered too late;]~~

(a) notice that the person may register to vote on the day of the election by appearing in person at the polling place for the voting precinct in which the person maintains residence during the hours the polls are open;

(b) the location of the person's local voting precinct, unless the person declines to provide residency information; and

(c) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

Section 3. Section **20A-2-201.5** is enacted to read:

**20A-2-201.5. Registration on election day.**

(1) The election judges for each voting precinct shall register to vote all persons who present themselves for registration during the hours that the polls are open if:

(a) the person is legally qualified to vote as of the election date;

(b) the person appears, in person during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence; and

(c) the person completes a voter registration form according to the procedures and requirements of Section 20A-2-104.

(2) A person may register to vote on election day as provided in this section on the date of any regular general election, municipal general election, regular primary election, municipal primary election, special election, bond election, or the Western States Presidential Primary.

Section 4. Section **20A-2-202** is amended to read:

**20A-2-202. Registration by mail.**

(1) (a) A citizen who will be qualified to vote at the next election may register by mail.

(b) To register by mail, a citizen shall complete and sign the by-mail registration form and mail or deliver it to the county clerk of the county in which the citizen resides.

(c) (i) In order to register to vote in a particular election, the citizen shall:

(A) address the by-mail voter registration form to the county clerk; and

(B) ensure that it is postmarked at least 20 days before the date of the election.

(ii) If the voter is registering for the first time in the county, the citizen shall either:

(A) submit a copy of a proof of identification or proof of residence with the by-mail voter registration form; or

(B) submit proof of identification or proof of residence to the election judge at the time the citizen votes.

(d) The citizen has effectively registered to vote under this section only when the county clerk's office has received a correctly completed by-mail voter registration form.

(2) Upon receipt of a correctly completed by-mail voter registration form, the county clerk shall:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) mail confirmation of registration to the newly registered voter after entering the applicant's voting precinct number on that copy.

(3) (a) If the county clerk receives a correctly completed by-mail voter registration form that is postmarked less than 20 days before an election or is received in the six calendar days before an election, the county clerk shall ~~[(i) register the applicant after the next election; and (ii)] promptly mail a notice to the applicant and, if possible, promptly phone [or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.] the applicant, to provide the applicant with:~~

(i) notice that the registration form was either not timely mailed or timely received;

(ii) notice that the person may register to vote on the day of the election by appearing, in person during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;

(iii) the location of the person's local voting precinct; and

(iv) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

(b) When the county clerk receives by-mail voter registration forms at least seven days before an election that are postmarked at least 20 days before the election, the county clerk shall:

(i) process the by-mail voter registration forms; and

(ii) record the new voters in the official register and posting list.

(4) If the county clerk determines that a registration form received by mail or otherwise is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register~~[-, informing him]~~ to provide the person with:

(a) notice that he has not been registered because of an error or because the form is incomplete~~[-];~~

(b) notice that the person may register to vote on the day of the election by appearing, in person during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;

(c) the location of the person's local voting precinct, if the voting precinct may be determined from the information provided on the registration form; and

(d) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

Section 5. Section **20A-2-204** is amended to read:

**20A-2-204. Registering to vote when applying for or renewing a driver license.**

(1) As used in this section, "voter registration form" means the driver license application/voter registration form and the driver license renewal/voter registration form required by Section 20A-2-108.

(2) Any citizen who is qualified to vote may register to vote by completing the voter registration form.

(3) The Driver License Division shall:

(a) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(b) accept completed forms for transmittal to the appropriate election official;

(c) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division;

(d) transmit each address change within five days after it is received by the division; and

(e) transmit electronically to the lieutenant governor's office the name, address, birth date, and driver license number of each person who answers "yes" to the question on the driver license form about registering to vote.

(4) Upon receipt of a correctly completed voter registration form, the county clerk shall:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) notify the applicant of registration.

(5) (a) If the county clerk receives a correctly completed voter registration form that is dated less than 20 days before an election or is received in the six calendars days before an election, the county clerk shall ~~[(i) register the applicant after the next election; and (ii)]~~ promptly mail a notice to the applicant and, if possible, promptly phone [or mail a notice to] the applicant [before the election, informing the applicant that his registration will not be effective until after the election.] to provide the applicant with:

(i) notice that the registration form was either not timely mailed or timely received;

(ii) notice that the person may register to vote on the day of the election by appearing, in person during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;

(iii) the location of the person's local voting precinct; and

(iv) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

(b) When the county clerk receives any voter registration forms at least seven days before an election that are dated at least 20 days before the election, the county clerk shall:

(i) process the voter registration forms; and

(ii) record the new voters in the official register and posting list.

(6) If the county clerk determines that a voter registration form received from the Driver License Division is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register~~[-, informing him]~~ to provide him with:

(a) notice that he has not been registered because of an error or because the form is incomplete[-];

(b) notice that the person may register to vote on the day of the election by appearing, in person during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;

(c) the location of the person's local voting precinct, if the voting precinct may be determined from the information provided on the registration form; and

(d) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

Section 6. Section **20A-2-205** is amended to read:

**20A-2-205. Registration at voter registration agencies.**

(1) As used in this section:

(a) "Discretionary voter registration agency" means each office designated by the county clerk under Part 3 to provide by-mail voter registration forms to the public.

(b) "Public assistance agency" means each office in Utah that provides:

(i) public assistance; or

(ii) state funded programs primarily engaged in providing services to people with disabilities.

(2) Any person may obtain and complete a by-mail registration form at a public assistance agency or discretionary voter registration agency.

(3) Each public assistance agency and discretionary voter registration agency shall provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

**"REGISTERING TO VOTE**

If you are not registered to vote where you live now, would you like to apply to register to vote here today? (Applying to register to vote or declining to register to vote will not affect

the amount of assistance that you will be provided by this agency.) Yes\_\_\_\_ No\_\_\_\_ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the voter registration application form, we will help you. The decision about whether or not to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether or not to register, or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (801) 538-1040."

(4) Unless a person applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register to vote, each public assistance agency and discretionary voter registration agency shall:

(a) distribute a by-mail voter registration form with each application for service or assistance provided by the agency or office;

(b) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(c) accept completed forms for transmittal to the appropriate election official; and

(d) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division.

(5) A person in a public assistance agency or a discretionary voter registration agency that helps a person complete the voter registration form may not:

(a) seek to influence an applicant's political preference or party registration;

(b) display any political preference or party allegiance;

(c) make any statement to an applicant or take any action that has the purpose or effect of discouraging the applicant from registering to vote; or

(d) make any statement to an applicant or take any action that has the purpose or effect of leading the applicant to believe that a decision to register or not to register has any bearing upon the availability of services or benefits.

(6) Upon receipt of a correctly completed voter registration form, the county clerk shall:



(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) notify the applicant of registration.

(7) (a) If the county clerk receives a correctly completed voter registration form that is dated less than 20 days before an election or is received in the six calendar days before an election, the county clerk shall ~~[(i) register the applicant after the next election; and (ii)]~~ promptly mail a notice to the applicant and, if possible, promptly phone [or mail a notice to] the applicant [before the election, informing the applicant that his registration will not be effective until after the election.] to provide the applicant with:

(i) notice that the registration form was either not timely mailed or timely received;

(ii) notice that the person may register to vote on the day of the election by appearing, in person during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;

(iii) the location of the person's local voting precinct; and

(iv) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

(b) When the county clerk receives any voter registration forms at least seven days before an election that are dated at least 20 days before the election, the county clerk shall:

(i) process the voter registration forms; and

(ii) record the new voters in the official register and posting list.

(8) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register ~~informing him]~~ to provide him with:

(a) notice that he has not been registered because of an error or because the form is incomplete[-];

(b) notice that the person may register to vote on the day of the election by appearing, in person during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;

(c) the location of the person's local voting precinct, if the voting precinct may be determined from the information provided on the registration form; and

(d) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

Section 7. Section **20A-2-304** is amended to read:

**20A-2-304. County clerk's responsibilities -- Notice of disposition.**

Each county clerk shall:

(1) register to vote each applicant for registration who meets the requirements for registration and who:

(a) submits a completed voter registration form to the county clerk at least 20 days before the date of the election;

(b) submits a completed voter registration form to the Driver License Division, a public assistance agency, or a discretionary voter registration agency at least 20 days before the date of the election; ~~[or]~~

(c) mails a completed by-mail voter registration form to the county clerk that is postmarked at least 20 days before the election; ~~[and]~~ or

(d) submits a completed voter registration form to an election judge according to the requirements of Section 20A-2-201.5; and

(2) send a notice to the voter informing the voter that:

(a) the voter's application for voter registration has been accepted and that the voter is registered to vote;

(b) the voter's application for voter registration has been rejected and the reason for the rejection; or

(c) the application for voter registration is being returned to the voter for further action because the application is incomplete and giving instructions to the voter about how to properly complete the application.

Section 8. Section **20A-3-104** is amended to read:

**20A-3-104. Manner of voting.**

(1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his residence, to one of the election judges.

(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.

(c) If the voter is voting for the first time in the jurisdiction or is otherwise required to present proof of identity or proof of residence as indicated by a notation in the official register, the election judge shall request proof of identity or proof of residence from the voter.

(d) If the election judge is satisfied that the voter has established proof of identity and proof of residence, the election judge shall:

(i) record the type of proof of identity or proof of residence provided by the voter in the appropriate space in the official register; and

(ii) follow the procedures of Subsection (3).

(e) If the election judge is not satisfied that the voter has established proof of identity or proof of residence, the election judge shall:

(i) indicate on the official register that the voter failed to provide adequate proof of identity or proof of residence;

(ii) issue the voter a provisional ballot; and

(iii) follow the procedures and requirements of Section 20A-3-105.5.

(f) If the person's right to vote is challenged as provided in Section 20A-3-202, the judge shall follow the procedures and requirements of Section 20A-3-105.5.

(2) (a) When the voter is properly identified, the election judge in charge of the official register shall check the official register to determine whether or not the person is registered to vote.

(b) If the voter's name is not found on the official register and if the voter has not registered on election day, the election judge shall follow the procedures and requirements of Section 20A-3-105.5.

(3) If the election judge determines that the voter is registered:

(a) the election judge in charge of the official register shall:

(i) write the ballot number opposite the name of the voter in the official register; and

(ii) direct the voter to sign his name in the election column in the official register;

(b) another judge shall list the ballot number and voter's name in the pollbook; and

(c) the election judge having charge of the ballots shall:

(i) endorse his initials on the stub;

(ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) hand the voter a ballot; and

(iv) allow the voter to enter the voting booth.

(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the election judges of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Section 9. Section **20A-3-104.5** is amended to read:

**20A-3-104.5. Voting -- Regular primary election.**

(1) (a) Any registered voter desiring to vote at the regular primary election shall give his name, the name of the registered political party whose ballot the voter wishes to vote, and, if requested, his residence, to one of the election judges.

(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.

(c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

(2) (a) (i) When the voter is properly identified, the election judge in charge of the official register shall ~~[check the official register to]~~ determine:

(A) whether or not the person is registered to vote by checking the official register or confirming that the person has registered on election day; and

(B) whether or not the person's party affiliation designation ~~[in the official register]~~ allows the voter to vote the ballot that the voter requested by checking the official register or, if the voter has registered on election day, the voter's registration form.

(ii) If the official register or registration form does not affirmatively identify the voter as being affiliated with a registered political party or if the official register or registration form identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."

(b) (i) If the voter's name is not found on the official register ~~[and]~~, the voter may register to vote or, if it is not unduly disruptive of the election process, request that the election judge ~~[shall]~~ attempt to contact the county clerk's office to request oral verification of the voter's registration.

(ii) If the voter registers to vote, the judge shall record the voter's name in the official register, determine the voter's party affiliation and the ballot that the voter is qualified to vote, and perform the other administrative steps required by Subsection (3).

369           [(~~it~~)] (iii) If oral verification of the voter's registration is received from the county  
370 clerk's office, the judge shall record the verification on the official register, determine the  
371 voter's party affiliation and the ballot that the voter is qualified to vote, and perform the other  
372 administrative steps required by Subsection (3).

373           (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party  
374 affiliation listed in the official register or on the election day voter registration form does not  
375 allow the voter to vote the ballot that the voter requested, the election judge shall inform the  
376 voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation  
377 does allow the voter to vote.

378           (ii) (A) If the voter is listed in the official register or on the election day voter  
379 registration form as "unaffiliated," or if the official register or registration form does not  
380 affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political  
381 party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter  
382 requests, the election judge shall ask the voter if the voter wishes to:

383           (I) vote another registered political party ballot that the voter, as "unaffiliated," is  
384 authorized to vote[;]; or

385           (II) remain "unaffiliated."

386           (B) If the voter wishes to vote another registered political party ballot that the  
387 unaffiliated voter is authorized to vote, the election judge shall proceed as required by  
388 Subsection (3).

389           (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
390 that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the  
391 voter may not vote.

392           (iii) For the primary elections held in 2004, 2006, and 2008 only:

393           (A) If the voter is listed in the official register or on the election day voter registration  
394 form as "unaffiliated," or if the official register or voter registration form does not affirmatively  
395 identify the voter as either "unaffiliated" or "affiliated" with a registered political party, the  
396 election judge shall ask the voter if the voter wishes to affiliate with a registered political party,  
397 or remain "unaffiliated."

398           (B) If the voter wishes to affiliate with the registered political party whose ballot the  
399 voter requested, the election judge shall direct the voter to complete the change of party

affiliation form and proceed as required by Subsection (3).

(C) If the voter wishes to remain unaffiliated and wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the election judge shall proceed as required by Subsection (3).

(D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter may not vote.

(3) If the election judge determines that the voter is registered and eligible, under Subsection (2), to vote the ballot that the voter requested:

(a) the election judge in charge of the official register shall:

(i) write the ballot number and the name of the registered political party whose ballot the voter voted opposite the name of the voter in the official register; and

(ii) direct the voter to sign his name in the election column in the official register;

(b) another judge shall list the ballot number and voter's name in the pollbook; and

(c) the election judge having charge of the ballots shall:

(i) endorse his initials on the stub;

(ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) hand the voter the ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and

(iv) allow the voter to enter the voting booth.

(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the election judges of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Section 10. Section **20A-9-808** is amended to read:

**20A-9-808. Voting.**

(1) (a) Any registered voter desiring to vote at the Western States Presidential Primary shall give his name, the name of the registered political party whose ballot the voter wishes to vote, and, if requested, his residence, to one of the election judges.

(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.

431 (c) If the person's right to vote is challenged as provided in Section 20A-3-202, the  
432 judge shall follow the procedures and requirements of Section 20A-3-105.5.

433 (2) (a) (i) When the voter is properly identified, the election judge in charge of the  
434 official register shall ~~[check the official register to]~~ determine:

435 (A) whether or not the person is registered to vote by checking the official register or,  
436 if the voter has registered on election day, the voter's registration form; and

437 (B) whether or not the person's party affiliation designation ~~[in the official register]~~  
438 allows the voter to vote the ballot that the voter requested by checking the official register or, if  
439 the voter has registered on election day, the voter's registration form.

440 (ii) If the official register or registration form does not affirmatively identify the voter  
441 as being affiliated with a registered political party or if the official register or registration form  
442 identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."

443 (b) If the voter's name is not found on the official register and if the voter has not  
444 registered on election day, the election judge shall follow the procedures and requirements of  
445 Section 20A-3-105.5.

446 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party  
447 affiliation listed in the official register or on the election day voter registration form does not  
448 allow the voter to vote the ballot that the voter requested, the election judge shall inform the  
449 voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation  
450 does allow the voter to vote.

451 (ii) (A) If the voter is listed in the official register or on the election day voter  
452 registration form as "unaffiliated," or if the official register or registration form does not  
453 affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political  
454 party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter  
455 requests, the election judge shall ask the voter if the voter wishes to:

456 (I) affiliate with the registered political party whose ballot the voter requested~~;~~;

457 (II) vote another registered political party ballot that the voter, as "unaffiliated," is  
458 authorized to vote~~;~~; or

459 (III) remain "unaffiliated."

460 (B) If the voter wishes to affiliate with the registered political party whose ballot the  
461 voter requested, the election judge shall enter in the official register the voter's new party

462 affiliation and proceed as required by Subsection (3).

463 (C) If the voter wishes to vote another registered political party ballot that the  
464 unaffiliated voter is authorized to vote, the election judge shall proceed as required by  
465 Subsection (3).

466 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
467 that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the  
468 voter may not vote.

469 (3) If the election judge determines that the voter is registered and eligible, under  
470 Subsection (2), to vote the ballot that the voter requested:

471 (a) the election judge in charge of the official register shall:

472 (i) write the ballot number and the name of the registered political party whose ballot  
473 the voter voted opposite the name of the voter in the official register; and

474 (ii) direct the voter to sign his name in the election column in the official register;

475 (b) another judge shall list the ballot number and voter's name in the pollbook; and

476 (c) the election judge having charge of the ballots shall:

477 (i) endorse his initials on the stub;

478 (ii) check the name of the voter on the pollbook list with the number of the stub;

479 (iii) hand the voter the ballot for the registered political party that the voter requested  
480 and for which the voter is authorized to vote; and

481 (iv) allow the voter to enter the voting booth.

482 (4) Whenever the election officer is required to furnish more than one kind of official  
483 ballot to the voting precinct, the election judges of that voting precinct shall give the registered  
484 voter the kind of ballot that the voter is qualified to vote.

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**Legislative Review Note**

**as of 2-1-05 9:38 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**



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**Fiscal Note****Election Day Voter Registration***10-Feb-05***Bill Number HB0267***7:48 AM*

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**State Impact**

No fiscal impact to state government. Counties will be impacted by the bill. Salt Lake County estimates that it will spend approximately \$105,000 more per election cycle in personnel costs and an additional \$100,000 for equipment to conform to provisions of the bill.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**